

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

IRFAN MUHAMMAD MIRZA, M.D.

Case No. 800-2016-026685

**Physician's and Surgeon's
Certificate No. A62701**

Respondent

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 25, 2017.

IT IS SO ORDERED: July 27, 2017.

MEDICAL BOARD OF CALIFORNIA



**Michelle Anne Bholat, M.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 KEITH C. SHAW
Deputy Attorney General
4 State Bar No. 227029
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5385
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 800-2016-026685

11 **Irfan Muhammad Mirza, M.D.**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

12 5653 Highway 95, Suite A
13 Fort Mohave, AZ 86426

14 Physician's and Surgeon's Certificate
15 No. A 62701

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California. She brought this action solely in her official capacity and is represented in this
23 matter by Xavier Becerra, Attorney General of the State of California, by Keith C. Shaw, Deputy
24 Attorney General.

25 2. Respondent Irfan Muhammad Mirza, M.D. (Respondent) is represented in this
26 proceeding by attorney Craig B. Garner, Esq., whose address is: Garner Health Law Corporation,
27 1299 Ocean Avenue, Suite 450, Santa Monica, CA 90401.
28

3. On or about June 13, 1997, the Board issued Physician's and Surgeon's Certificate No. A 62701 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-026685, and will expire on June 30, 2017, unless renewed.

JURISDICTION

4. Accusation No. 800-2016-026685 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 7, 2016. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2016-026685 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-026685. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2016-026685, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 62701 issued to Respondent Irfan Muhammad Mirza, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1 1. EDUCATION COURSE. Within 60 calendar days of the effective date of this
2 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
3 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
4 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
5 correcting any areas of deficient practice or knowledge, including an emphasis on coursework in
6 the areas of evaluating patients for pacemaker implantation and EKG interpretation, and shall be
7 Category I certified. The educational program(s) or course(s) shall be at Respondent's expense
8 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
9 licensure. Following the completion of each course, the Board or its designee may administer an
10 examination to test Respondent's knowledge of the course. Respondent shall provide proof of
11 attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

12 2. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
13 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
14 monitor, the name and qualifications of one or more licensed physicians and surgeons whose
15 licenses are valid and in good standing, and who are preferably American Board of Medical
16 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
17 relationship with Respondent, or other relationship that could reasonably be expected to
18 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
19 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
20 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

21 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
22 and First Amended Accusation(s), and a proposed monitoring plan. Within 15 calendar days of
23 receipt of the Decision(s), First Amended Accusation(s), and proposed monitoring plan, the
24 monitor shall submit a signed statement that the monitor has read the Decision(s) and First
25 Amended Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the
26 proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the
27 monitor shall submit a revised monitoring plan with the signed statement for approval by the
28 Board or its designee.

1 Within 60 calendar days of the effective date of this Decision, and continuing throughout
2 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
3 make all records available for immediate inspection and copying on the premises by the monitor
4 at all times during business hours and shall retain the records for the entire term of probation.

5 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
6 date of this Decision, Respondent shall receive a notification from the Board or its designee to
7 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
8 shall cease the practice of medicine until a monitor is approved to provide monitoring
9 responsibility.

10 The monitor(s) shall submit a quarterly written report to the Board or its designee which
11 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
12 are within the standards of practice of medicine, and whether Respondent is practicing medicine
13 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
14 that the monitor submits the quarterly written reports to the Board or its designee within 10
15 calendar days after the end of the preceding quarter.

16 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
17 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
18 name and qualifications of a replacement monitor who will be assuming that responsibility within
19 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
20 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
21 notification from the Board or its designee to cease the practice of medicine within three (3)
22 calendar days after being so notified Respondent shall cease the practice of medicine until a
23 replacement monitor is approved and assumes monitoring responsibility.

24 3. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
25 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
26 Chief Executive Officer at every hospital where privileges or membership are extended to
27 Respondent, at any other facility where Respondent engages in the practice of medicine,
28 including all physician and locum tenens registries or other similar agencies, and to the Chief

1 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
2 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
3 calendar days.

4 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

5 4. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
6 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
7 advanced practice nurses.

8 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
9 governing the practice of medicine in California and remain in full compliance with any court
10 ordered criminal probation, payments, and other orders.

11 6. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
12 under penalty of perjury on forms provided by the Board, stating whether there has been
13 compliance with all the conditions of probation.

14 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
15 of the preceding quarter.

16 7. GENERAL PROBATION REQUIREMENTS.

17 Compliance with Probation Unit

18 Respondent shall comply with the Board's probation unit.

19 Address Changes

20 Respondent shall, at all times, keep the Board informed of Respondent's business and
21 residence addresses, email address (if available), and telephone number. Changes of such
22 addresses shall be immediately communicated in writing to the Board or its designee. Under no
23 circumstances shall a post office box serve as an address of record, except as allowed by Business
24 and Professions Code section 2021(b).

25 Place of Practice

26 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
27 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
28 facility.

1 License Renewal

2 Respondent shall maintain a current and renewed California physician's and surgeon's
3 license.

4 Travel or Residence Outside California

5 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
6 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
7 (30) calendar days.

8 In the event Respondent should leave the State of California to reside or to practice,
9 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
10 departure and return.

11 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
12 available in person upon request for interviews either at Respondent's place of business or at the
13 probation unit office, with or without prior notice throughout the term of probation.

14 9. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
15 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
16 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
17 defined as any period of time Respondent is not practicing medicine as defined in Business and
18 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
19 patient care, clinical activity or teaching, or other activity as approved by the Board. If
20 Respondent resides in California and is considered to be in non-practice, Respondent shall
21 comply with all terms and conditions of probation. All time spent in an intensive training
22 program which has been approved by the Board or its designee shall not be considered non-
23 practice and does not relieve Respondent from complying with all the terms and conditions of
24 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
25 on probation with the medical licensing authority of that state or jurisdiction shall not be
26 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
27 period of non-practice.

28 In the event Respondent's period of non-practice while on probation exceeds 18 calendar

1 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
2 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
3 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
4 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

5 Respondent's period of non-practice while on probation shall not exceed two (2) years.

6 Periods of non-practice will not apply to the reduction of the probationary term.

7 Periods of non-practice for a Respondent residing outside of California will relieve
8 Respondent of the responsibility to comply with the probationary terms and conditions with the
9 exception of this condition and the following terms and conditions of probation: Obey All Laws;
10 General Probation Requirements; and Quarterly Declarations.

11 10. COMPLETION OF PROBATION. Respondent shall comply with all financial
12 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
13 completion of probation. Upon successful completion of probation, Respondent's certificate shall
14 be fully restored.

15 11. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
16 of probation is a violation of probation. If Respondent violates probation in any respect, the
17 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
18 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
19 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
20 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
21 be extended until the matter is final.

22 12. LICENSE SURRENDER. Following the effective date of this Decision, if
23 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
24 the terms and conditions of probation, Respondent may request to surrender his license. The
25 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
26 determining whether or not to grant the request, or to take any other action deemed appropriate
27 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
28 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its

1 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
2 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
3 application shall be treated as a petition for reinstatement of a revoked certificate.

4 13. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
5 with probation monitoring each and every year of probation, as designated by the Board, which
6 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
7 California and delivered to the Board or its designee no later than January 31 of each calendar
8 year.

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Craig B. Garner, Esq. I understand the stipulation and the effect it
12 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the Medical Board of California.

15 DATED: 5/27/2017

Mirza Irfan
16 IRFAN MUHAMMAD MIRZA, M.D.
Respondent

17
18 I have read and fully discussed with Respondent Irfan Muhammad Mirza, M.D. the terms
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
20 Order. I approve its form and content.

21 DATED: 5/30/17

Craig B. Garner
22 CRAIG B. GARNER, ESQ.
Attorney for Respondent
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Dated: May 30, 2017

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

KEITH C. SHAW
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2016-026685

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 KEITH C. SHAW
Deputy Attorney General
4 State Bar No. 227029
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5385
6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 7, 2016
BY: *R. L. W. A. S.* ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2016-026685

13 **Irfan Muhammad Mirza, M.D.**
14 **5653 Highway 95, Suite A**
15 **Fort Mohave, AZ 86426**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 62701,**

Respondent.

18 Complainant alleges:

PARTIES

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs (Board).

22 2. On or about June 13, 1997, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 62701 to Irfan Muhammad Mirza, M.D. (Respondent). The Physician's
24 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on June 30, 2017, unless renewed.

JURISDICTION

26
27 3. This Accusation is brought before the Board under the authority of the following
28 sections of the California Business and Professions Code (Code) and/or other relevant statutory

1 enactment:

2 A. Section 2227 of the Code provides in part that the Board may revoke, suspend
3 for a period not to exceed one year, or place on probation, the license of any licensee who has
4 been found guilty under the Medical Practice Act, may recover the costs of probation monitoring,
5 and be publicly reprimanded.

6 B. Section 2305 of the Code provides, in part, that the revocation, suspension, or
7 other discipline, restriction, or limitation imposed by another state upon a license to practice
8 medicine issued by that state, or the revocation, suspension, or restriction of the authority to
9 practice medicine by any agency of the federal government, that would have been grounds for
10 discipline in California of a licensee under the Medical Practice Act, constitutes grounds for
11 disciplinary action.

12 C. Section 141 of the Code provides:

13 “(a) For any licensee holding a license issued by a board under the jurisdiction of
14 the department, a disciplinary action taken by another state, by any agency of the
15 federal government, or by another country for any act substantially related to the
16 practice regulated by the California license, may be a ground for disciplinary action
17 by the respective state licensing board. A certified copy of the record of the
disciplinary action taken against the licensee by another state, an agency of the
federal government, or by another country shall be conclusive evidence of the events
related therein.

18 (b) Nothing in this section shall preclude a board from applying a specific
19 statutory provision in the licensing act administered by the board that provides for
discipline based upon a disciplinary action taken against that licensee by another
state, an agency of the federal government, or another country.”

20 **CAUSE FOR DISCIPLINE**

21 **(Discipline, Restriction, or Limitation Imposed by Another State)**

22 4. On September 21, 2016, Respondent was issued an Order for Letter of Reprimand
23 and Probation and Consent to the Same (Order) by the Arizona Medical Board regarding
24 Respondent’s license to practice medicine in the State of Arizona. The Order contains factual
25 findings that Respondent deviated from the standard of care by failing to critically review all
26 diagnostic information and failing to perform thorough evaluations before proceeding with
27 pacemaker implantations in two patients. It was determined that actual harm occurred to each
28 patient in that both underwent unnecessary pacemaker implantation. Further, a medical

1 consultant reviewed Respondent's treatment of a third patient and noted a lack of fundamental
2 EKG reading skills by Respondent.

3 5. Pursuant to the Order, Respondent's license to practice medicine in the State of
4 Arizona is limited to the extent that Respondent is placed on probation for six (6) months from
5 the effective date of the Order and subject to the following terms: 1) Respondent is issued a Letter
6 of Reprimand; 2) Respondent must complete no less than (6) hours of Continuing Medical
7 Education regarding EKG interpretation within six (6) months of the effective date of the Order,
8 and; 3) Respondent shall obey all laws. A true and correct copy of the Order issued by the
9 Arizona Medical Board is attached as Exhibit A.

10 6. Respondent's conduct and the actions of the Arizona Medical Board, as set forth in
11 paragraphs 4 and 5 above, constitute cause for discipline pursuant to sections 2305 and/or 141 of
12 the Code.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board issue a decision:

16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 62701,
17 issued to Irfan Muhammad Mirza, M.D.;

18 2. Revoking, suspending or denying approval of Irfan Muhammad Mirza, M.D.'s
19 authority to supervise physician assistants, pursuant to section 3527 of the Code;

20 3. Ordering Irfan Muhammad Mirza, M.D., if placed on probation, to pay the Board the
21 costs of probation monitoring; and

22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED: December 7, 2016


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant

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26
27 SF2016202004
28 41640392_2.doc

EXHIBIT A

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 IRFAN MIRZA, M.D.

4 Holder of License No. 28306
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-14-1195A

ORDER FOR LETTER OF
REPRIMAND AND PROBATION;
AND CONSENT TO THE SAME

7 Irfan Mirza, M.D. ("Respondent") elects to permanently waive any right to a hearing
8 and appeal with respect to this Order for a Letter of Reprimand and Probation; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 FINDINGS OF FACT

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 28306 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-14-1195A after receiving a complaint
17 regarding Respondent's care and treatment of five patients ("B.G.", "L.C.", "J.B.", "A.M.",
18 and "M.B.") alleging inappropriate indications for pacemaker implantation, inappropriate
19 indication for a cardiac catheterization, and inappropriate ordering of a stress test.

20 4. In October of 2012, J.B., a 48 year-old obese male with resolved
21 cardiomyopathy, presented to another provider with dizziness. Cardiac evaluation with
22 EKG showed a normal LV function and no significant valvular disease, and a nuclear scan
23 showed normal LV function with an apical perfusion defect. On an exercise stress test,
24 J.B. achieved 12 Mets, and reached a peak heart rate of 164 beats per minute. A
25 subsequent EKG showed a sinus rhythm rate at 60 beats per minute. A Holter monitor was

1 also utilized showing nighttime bradycardia, and J.B.'s treating physician noted that J.B.
2 would need a pacemaker. Respondent acted as the implanting physician.

3 5. In July of 2012, M.B., an 83 year-old male with hypertension and COPD,
4 presented to another provider with dizziness and a fall of unknown etiology. In 2008, M.B.
5 had a normal EKG, and in 2009, a normal nuclear perfusion scan. Cardiac evaluation via
6 Holter monitor was performed in May of 2012 by M.B.'s primary care physician and
7 revealed a sinus rhythm of 60 to 70 beats per minute in the daytime, and 50 minutes
8 during the nighttime. No critical bradycardia was noted. An episode of SVT at a rate of 130
9 beats per minute was noted on a follow-up EKG in August of 2012. M.B.'s treating
10 physician recommended a pacemaker. Respondent acted as the implanting physician.

11 6. The standard of care requires a physician to critically review all diagnostic
12 information and to perform a thorough evaluation before proceeding with pacemaker
13 implantation. Respondent deviated from the standard of care by failing to critically review
14 all diagnostic information and by failing to perform a thorough evaluation before
15 proceeding with pacemaker implantations in J.B. and M.B.

16 7. Actual harm occurred in that J.B. and M.B. both underwent an unnecessary
17 pacemaker implantation.

18 8. No deviations from the standard of care were found in Respondent's
19 treatment of B.G., L.C., and A.M. The Board's medical consultant who reviewed
20 Respondent's treatment of B.G. noted a lack of fundamental EKG reading skills.

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2 In the event Respondent should leave Arizona to reside or practice outside
3 the State or for any reason should Respondent stop practicing medicine in Arizona,
4 Respondent shall notify the Executive Director in writing within ten days of departure and
5 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
6 time exceeding thirty days during which Respondent is not engaging in the practice of
7 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
8 non-practice within Arizona, will not apply to the reduction of the probationary period.

9 3. The Board retains jurisdiction and may initiate new action against
10 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).
11

12 DATED AND EFFECTIVE this 16th day of September, 2016.

13
14 ARIZONA MEDICAL BOARD

15 By Patricia E. McSorley
16 Patricia E. McSorley
17 Executive Director
18

19 CONSENT TO ENTRY OF ORDER

20 1. Respondent has read and understands this Consent Agreement and the
21 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
22 acknowledges he has the right to consult with legal counsel regarding this matter.

23 2. Respondent acknowledges and agrees that this Order is entered into freely
24 and voluntarily and that no promise was made or coercion used to induce such entry.
25

1 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
2 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
3 this Order in its entirety as issued by the Board, and waives any other cause of action
4 related thereto or arising from said Order.

5 4. The Order is not effective until approved by the Board and signed by its
6 Executive Director.

7 5. All admissions made by Respondent are solely for final disposition of this
8 matter and any subsequent related administrative proceedings or civil litigation involving
9 the Board and Respondent. Therefore, said admissions by Respondent are not intended
10 or made for any other use, such as in the context of another state or federal government
11 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
12 any other state or federal court.

13 6. Upon signing this agreement, and returning this document (or a copy thereof)
14 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
15 the Order. Respondent may not make any modifications to the document. Any
16 modifications to this original document are ineffective and void unless mutually approved
17 by the parties.

18 7. This Order is a public record that will be publicly disseminated as a formal
19 disciplinary action of the Board and will be reported to the National Practitioner's Data
20 Bank and on the Board's web site as a disciplinary action.

21 8. If any part of the Order is later declared void or otherwise unenforceable, the
22 remainder of the Order in its entirety shall remain in force and effect.

23 9. If the Board does not adopt this Order, Respondent will not assert as a
24 defense that the Board's consideration of the Order constitutes bias, prejudice,
25 prejudgment or other similar defense.

1 10. Any violation of this Order constitutes unprofessional conduct and may result
2 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
3 consent agreement or stipulation issued or entered into by the board or its executive
4 director under this chapter.") and 32-1451.

5 11. Respondent has read and understands the conditions of probation.

6
7 Mirza Mirza
8 IRFAN MIRZA, M.D.

DATED: August 16th 2016

9
10 EXECUTED COPY of the foregoing mailed
11 this 16th day of September, 2016 to:

12 Maria Nutile
13 Nutile, Pitz & Associates
14 1070 W. Horizon Ridge, Suite 210
Henderson, NV 89012
Attorney for Respondent

15 ORIGINAL of the foregoing filed
16 this 16th day of September, 2016 with:

17 Arizona Medical Board
18 9545 E. Doubletree Ranch Road
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